

## REMARKS

### INTRODUCTION:

In accordance with the foregoing, claims 2, 5, 7, 11, 16, 21, 23, and 26 have been amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-11, 13, 16, 20-23, 25, 26 and 28 are pending and under consideration

### REJECTION UNDER 35 U.S.C. §112:

In the Office Action, at page 2, item 4, the Examiner rejected claims 2, 3, 5-7, 10, 11, 12, 16, 20-23, 26, and 28 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. The reasons for the rejection are set forth in the Office Action and therefore not repeated. Applicants traverse this rejection and respectfully request reconsideration.

The Examiner has taken the position that the phrase track-defect-processing means "reading data in order to detect a defect." Applicants respectfully disagree. This definition does not appear to make sense, since in the subject application, such defect detection is accomplished, for example, in operation 503. Thus, Applicants respectfully submit that such an interpretation is unsupportable, since such an interpretation would render, for example, operations 506 and 509 (as recited in various claims) meaningless.

In the subject application, "defect-processing" and "track-defect-processing" are different operations. "Defect-processing" is an operation in which a defective track is replaced with a prepared track, whereas "track-defect-processing" is an operation in which all the tracks within a predetermined distance from the cylinder having a skew '0' are discarded. Applicants respectfully submit that "track-defect-processing" is described in paragraph 47 and claim 24 in the originally-filed application.

Accordingly, Applicants respectfully submit that the rejection is overcome.

### REJECTION UNDER 35 U.S.C. §103:

In the Office Action, at page 3, item 7, the Examiner rejected claims 1-11, 13, 16, 20-23, 25, 26, and 28 under 35 U.S.C. §103(a) as being unpatentable over Sacks et al. (U.S. 2003/0197968 - hereinafter Sacks) in view of Serrano et al. (U.S. 6,181,500. hereinafter -

Serrano). The reasons for the rejection are set forth in the Office Action and therefore not repeated. Applicants traverse this rejection and respectfully request reconsideration.

As a general matter, to establish a *prima facie* obviousness rejection, the Examiner needs to provide evidence of the existence of individual elements corresponding to the recited limitations, a motivation to combine the individual elements to create the recited invention, and a reasonable expectation of success. (See MPEP, at 2143. – “[t]he teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant’s disclosure.’ In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).”, and at 2143.03 – “[t]o establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.’ In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).”).

Should the Examiner fail to provide evidence that the individual elements exist in the prior art, or that the motivation exists in the prior art or in the knowledge generally available to one of ordinary skill in the art, then the Examiner has not provided sufficient evidence to maintain a *prima facie* obviousness rejection of the claim. (See MPEP, at 2143.03, and 2143.01).

Sacks discloses defect processing to rewrite only a defected portion in servo information including a track ID, a sector, burst, etc. Sacks only rewrites only a track ID, a sector ID, burst etc., respectively.

But Sacks neither discloses nor suggests that if errors occur in the cylinder at the predetermined distance from the cylinder having skew ‘0’, determining that all of the servo information is not correctly written, and writing the servo information again.

Serrano discloses a method and device to correct errors that occur during servowriting without requiring a disk to be re-servowritten, i.e., rewriting the servo information for the entire disk. (See Serrano, at col. 2, lines 21-24).

In Serrano, defective servo sectors are detected (operation 510), and then, only for those servo sectors that are determined to be defective, either the entire servo pattern for a given defective sector is rewritten, or only a portion of the servo pattern for that sector is rewritten (e.g., only a particular PES burst is written, or a digital information field or a track ID is written). Or, alternatively, the offending field in a given defective sector is erased. As a further alternative, for a given defective sector, a separate field is written, that specifies if any of the fields in the given defective sector are to be ignored. (See Serrano, at FIGS. 5-7, col. 6, lines 29-34, and col. 7, lines 39-60).

In contrast, by way of a non-limiting embodiment, in the subject application, after the servo information is written in the tracks, when the servo information written in the tracks is inspected, if errors occur in tracks at a predetermined distance from the track having skew '0', the controller 42 controls the transducer 16 to perform the servo information writing operation again, thereby rewriting all of the servo information, i.e., rewriting the servo information for the entire disk. If errors do not occur in tracks at a predetermined distance from the track having skew '0', the controller 42 controls the transducer 16 to perform defect-processing of the tracks in which errors occur, and the tracks within the predetermined distance from the track having skew '0'.

Accordingly, Applicants respectfully submit that even the combination of Sacks and Serrano neither discloses nor suggests "...after writing all the servo information, inspecting the servo information written in a cylinder at a predetermined distance from the cylinder having skew '0', and determining whether the servo information is correctly written; and if errors occur in the cylinder at the predetermined distance from the cylinder having skew '0', determining that all of the servo information is not correctly written, and writing the servo information again," as required, e.g., by independent claim 4.

Thus, Applicants respectfully submit that even the combination of Sacks and Serrano fails to disclose every element of the claims, arranged as required by the claims, and therefore, the Examiner has failed to provide evidence that the individual elements exist in the prior art, and thus, the Examiner has not provided sufficient evidence to maintain a prima facie obviousness rejection of the claims.

#### CONCLUSION:

In accordance with the foregoing, Applicants respectfully submit that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the cited art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

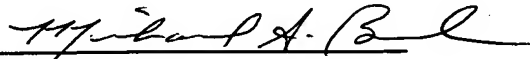
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If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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